

The opinion in support of the decision being
entered today is not binding precedent of the Board.

Paper 1

Filed by: Carol A. Spiegel
Administrative Patent Judge
Board of Patent Appeals and Interferences
U.S. Patent and Trademark Office
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Filed: July 16, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge Carol A. Spiegel)

QUIG WANG, MITCHELL H. FINER
and XIAO-CHI JIA

Junior Party,
Application 08/333,680

v.

JEAN-LUC IMLER, MAJID MEHTALI
and ANDREA PAVIRANI

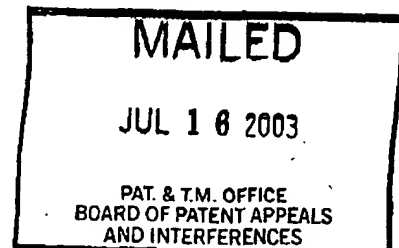
Senior Party
Application 09/218,143

Patent Interference No. 105,136

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. §135(a)) between the above-identified parties. details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or not corresponding to the count(s) appear in



Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Carol A. Spiegel has been designated to handle the interference. 37 CFR § 1.601(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to discuss how next to proceed

A telephone call to discuss how next to proceed in this interference in light of related interference 104,821 (see Paper 116) is scheduled for **10:00 a.m. on August 19, 2003** (the call will be initiated from the PTO). Specifically, the parties should be prepared to discuss why the interference should not proceed directly to its priority phase and, if not, what preliminary matters should be attended to and why.

Part E. The parties involved in this interference are:

Junior Party

Named inventors:	QING WANG, MITCHELL H. FINER and XIAO-CHI JIA
Application:	08/333,680, filed November 3, 1994
Title:	Novel Adenoviral Vectors, Packaging Cell Lines, Recombinant Adenoviruses and Methods
Assignee:	CELL GENESYS, INC.
Accorded Benefit:	None

Attorneys: See last page

Address: See last page

Senior Party

Named Inventors: JEAN-LUC IMLER,
MAJID MEHTALI and
ANDREA PAVIRANI

Application: 09/218,143
filed December 22, 1998

Title: Defective Adenoviruses and Corresponding
Complementation Lines

Assignee: TRANSGENE S.A.

Accorded Benefit: of application 08/379,452,
filed January 26, 1995

of PCT application PCT/FR94/00624,
filed May 27, 1994

of FR application 93 06482,
filed May 28, 1993

Attorneys: See last page

Address: See last page

Part F. Count and claims of the parties

Count 1

The recombinant adenoviral vector of claim 46 of Wang 08/333,680, wherein the two gene regions are E1 and E4

or

The recombinant adenoviral vector of claim 38 or 47 of Wang 08/333,680

or

The recombinant adenovirus of claim 66 of Imler 09/218,143

or

The recombinant adenoviral vector of claim 67 of Imler 09/218,143.

The claims of the parties are:

Wang: 37-48, 52, 54, 56-57

Imler: 56-57, 59, 61-67

The claims of the parties which correspond to Count 1 are:

Wang: 37-38, 46-47, 52, 54, 56

Imler: 66-67

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Wang: 39-45, 48, 57

Imler: 56-57, 59, 61-65¹

¹ Imler claims 56-57, 59 and 61-65 have been found unpatentable in related interference 104,821 (Paper 116).

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See
¶ 3.5 of the STANDING ORDER.

Paper ____²

Filed on behalf of [name of party]
By: Name of lead counsel, Esq.
Name of backup counsel, Esq.
Street address
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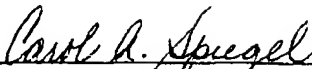
Senior Party
Application 09/218,143

Patent Interference No. 105,136

TITLE OF PAPER

² Leave a blank line because the board assigns the paper number.

Part J. Signature of administrative patent judge


CAROL A. SPIEGEL
Administrative Patent Judge

Date: July 10, 2003
Arlington, VA

Enc: Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference

Copy of claims of application 08/333,680

Copy of claims of application 09/218,143

cc (via overnight delivery):

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